

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

AARON MICHAEL SHAMO, et al.,

Defendants.

2:16-CR-631 DK

BEFORE THE HONORABLE DALE KIMBALL

DATE: AUGUST 20, 2019

REPORTER'S TRANSCRIPT OF PROCEEDINGS

TESTIMONY OF TORI GRACE

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1 AUGUST 20, 2019 SALT LAKE CITY, UTAH

2 P R O C E E D I N G S

3 * * *

4 (Testimony of Tori Grace.)

5 MR. GADD: Your Honor, the United States
6 calls Tori Grace.

7 THE COURT: Come forward and be sworn,
8 please, right up here at the podium.

9 TORI GRACE,
10 the witness hereinbefore named, being first duly
11 cautioned and sworn or affirmed to tell the truth, the
12 whole truth, and nothing but the truth, was examined
13 and testified as follows:

14 THE CLERK: If you'll just come to the
15 witness box. Please state your name and spell it for
16 the record.

17 THE WITNESS: Tori Grace. T-o-r-i.
18 G-r-a-c-e.

19 THE COURT: Go ahead.

20 DIRECT EXAMINATION

21 BY MR. GADD:

22 Q. Ms. Grace, are you prepared to testify about
23 the death of your friend Russ?

24 A. Yes.

25 Q. Before we do that, I'd like to give the jury

1 just a very brief idea of kind of your background.

2 Can you tell us a little bit about yourself?

3 A. I live in the San Francisco Bay area. Right
4 now I work full time, and I'm getting ready to go back
5 to school to study anthropology.

6 Q. Back in 2016, you were in school, correct?

7 A. Uh-huh.

8 Q. Were you at San Francisco State?

9 A. Yes.

10 Q. After Russ' death, did you move home?

11 A. I did.

12 Q. And school starts next week?

13 A. Yes.

14 Q. Can we look at 18.01 again.

15 Who is that?

16 A. Russ.

17 Q. That's the name that he preferred to go by,
18 right?

19 A. Yes.

20 Q. Was his full name Ruslan Kluyev?

21 A. Yes.

22 Q. Did you know his family?

23 A. I meet his parents after he passed.

24 Q. Could we look at page 2.

25 Who is that?

1 A. It was Gregg.

2 Q. Was his full name Gregory Lee?

3 A. (Witness nods.)

4 Q. How did you and Gregg meet?

5 A. We met through two mutual friends while I was
6 still in high school.

7 THE COURT: Can you hear her?

8 You need to speak up right into the
9 microphone, if you would, please.

10 Q. BY MR. GADD: You can adjust it if you want.

11 I'll repeat that last question, so we make sure
12 everyone heard. How did you and Gregg meet?

13 A. We met through two mutual friends while I was
14 in high school.

15 Q. And at some point you started dating,
16 correct?

17 A. Yes.

18 Q. Do you remember the first time you met Russ?

19 A. Vaguely, yes.

20 Q. How did you meet him?

21 A. Gregg and I met him in San Francisco.

22 Q. He and Gregg knew each other, correct?

23 A. Yes. They met online.

24 Q. And at some point, did Russ move in with
25 Gregg?

1 A. Yes, he did.

2 Q. Was that at their address, 3 Midvale Drive in
3 Daly City?

4 A. Yes.

5 Q. If it's okay, I want to talk just a minute
6 about drug use. Did Russ and Gregg use drugs?

7 A. Yes, they did.

8 Q. Did you sometimes use with them?

9 A. I did.

10 Q. How many days have you been clean?

11 A. Since Gregg passed. About two years, two and
12 a half years.

13 Q. Russ, specifically, what sort of drugs did he
14 use?

15 A. He used anything he could get his hands on.

16 Q. Did you ever see them go online to buy their
17 drugs?

18 A. Only a few times.

19 Q. Do you remember what website they went to?

20 A. AlphaBay.

21 Q. When they would order drugs online, how would
22 the drugs arrive?

23 A. Through the mail.

24 Q. Did you actually see packages arrive?

25 A. I've only seen two packages.

1 Q. What did the packages look like?

2 A. Like U.S.P.S. envelopes.

3 Q. Did you get to see what was inside the
4 packages?

5 A. Only a couple times, the only two times that
6 they came.

7 Q. What did you -- what did you see inside the
8 packages?

9 A. They were usually packaged in, like,
10 miscellaneous items in, like, these little metallic
11 pouches.

12 Q. And inside the pouch, what did the -- what
13 did the drugs look like?

14 A. The drugs that I saw both times were MDMA.

15 Q. And you recognized it because you had seen it
16 before?

17 A. Yes.

18 Q. Could we talk for a minute about June 12,
19 2016, so the night before Russ' death. Were you and
20 Gregg out that night?

21 A. Uh-huh.

22 Q. Had you been eating dinner somewhere?

23 A. Yeah. At his parents' house.

24 Q. And then did you go back to Gregg and Russ'
25 residence?

1 A. Yes.

2 Q. About what time of day or night was it when
3 you got back to that residence?

4 A. So, around 10:30, 11.

5 Q. In the evening?

6 A. In the evening.

7 Q. Were you met there by Russ?

8 A. Yeah. He let us in.

9 Q. Did it appear to you he had been drinking?

10 A. Yeah.

11 Q. It was fairly obvious?

12 A. Yeah. He was still pouring himself more
13 drinks when we got there.

14 Q. Do you happen to remember what he had been
15 drinking?

16 A. Vodka.

17 Q. That night, did you and Gregg hang out with
18 Russ for a little while?

19 A. Yeah. Only for about 15 minutes.

20 Q. Was it inside of his room?

21 A. Uh-huh.

22 Q. If we could look at page 3. Do you recognize
23 this?

24 A. Yes.

25 Q. What is it?

1 A. Russ's desk.

2 Q. Was it inside his room?

3 A. Yes.

4 Q. While you were hanging out with him, did you
5 see him grind up two pills?

6 A. Yes.

7 Q. Do you know what type of pills they were?

8 A. Some kind of opiate. I knew that.

9 Q. Did you get to see the pills?

10 A. I only saw them, like, after he had crushed
11 them.

12 Q. Do you know where he got the pills?

13 A. I assumed he got them online.

14 Q. Could we look at page 4.

15 Do you know what that is?

16 A. That's what he used to crush them up, yeah.

17 Q. It's a battery, right?

18 A. Yeah.

19 Q. And they would crush them on the desk?

20 A. Yeah.

21 Q. Could we look at page 5.

22 What's that?

23 A. It's what he used to snort the drugs.

24 Q. And, specifically, is it kind of the blue
25 rolled up note?

1 A. Yeah. It's a Post-it note.

2 Q. I want to ask you some questions about Russ
3 specifically, so if we could look at page 1. And
4 maybe -- you are the best witness to clarify this.
5 What's he wearing?

6 A. He was really into all tech stuff, so I
7 actually don't know what it is.

8 Q. Just sunglasses and then something else?

9 A. Yeah.

10 Q. But he didn't always wear that, right?

11 A. No.

12 Q. Okay. So that night, June 12, were you
13 concerned about Russ snorting two pills?

14 A. Yes, I was.

15 Q. Why?

16 A. Because he was already drinking.

17 Q. Did he show any signs of use after he snorted
18 them?

19 A. Yeah.

20 Q. What did you observe?

21 A. He immediately started to, like, nod, so,
22 like, fall asleep and wake up, and he couldn't stand
23 up anymore.

24 Q. Did he lay down?

25 A. He did, yeah.

1 Q. Were you and Gregg asked to check on him?

2 A. Yeah. He did ask us that.

3 Q. And did you check on him?

4 A. Yeah.

5 Q. When you would check on him, what sort of
6 things were you looking or listening for?

7 A. That he was still breathing.

8 Q. How many times do you think you checked on
9 him that night?

10 A. I checked on him about four or five times,
11 but Gregg went in there, like, two more times more
12 than I did.

13 Q. But when you were watching him, did you
14 notice anything about his breathing?

15 A. He seemed to be breathing like he always did
16 when he slept. He was a loud snorer, so every time we
17 went in, he was still snoring pretty loudly.

18 Q. The last time you went in, did you and Gregg
19 roll him into the recovery position?

20 A. We did, yeah.

21 Q. Can you just briefly explain to the jurors
22 what the recovery position is?

23 A. It's where you lay the person on their side
24 and have their leg go over their body and then their
25 head rest on their elbow facing down.

1 Q. Why did you do that?

2 A. In case he threw up, and we didn't want him
3 to choke on his own throw up.

4 Q. Let's talk about the following morning, so
5 June 13, 2016. What did you do that morning?

6 A. I got up and went to work.

7 Q. And when did you find out that Russ had
8 passed?

9 A. About two after -- two hours after I started
10 my shift.

11 Q. You have a good support system, correct?

12 A. Uh-huh.

13 Q. Your mom is here today supporting you?

14 A. (Witness nods.)

15 Q. If I could just ask you about two more
16 pictures.

17 If we could look at page 7.

18 Do you recognize the room.

19 A. Yes.

20 Q. Is that Russ' room?

21 A. (Witness nods.)

22 Q. And maybe just so I can help the court
23 reporter, you nodded your head in the affirmative,
24 correct?

25 A. Yes.

1 Q. Do you see what looks like a garbage can in
2 the foreground on the left side of the photo?

3 A. Yes, I do.

4 Q. And do you see the envelope on top?

5 A. Yes.

6 Q. I want to show you a closer look at the
7 envelope.

8 Could we look at page 8.

9 Do you recognize this envelope?

10 A. I don't. No.

11 Q. Did you have any friends in Sandy, Utah?

12 A. No.

13 Q. Do you know if Gregg had any friends in
14 Sandy, Utah?

15 A. No, he didn't.

16 Q. Russ?

17 A. No.

18 MR. GADD: No further questions. Thank you.

19 THE COURT: Thank you.

20 You may cross examine. Mr. Sam.

21 CROSS EXAMINATION

22 BY MR. SAM

23 Q. Ms. Grace, thanks for being here today. And
24 I just want to ask you a few questions about Russ and
25 Gregg. On that day, on June 13, that was your first

1 day of work; is that right?

2 A. It was, yeah.

3 Q. Where were you working at?

4 A. Philz Coffee in San Francisco.

5 Q. Okay. And you received a call from Gregg
6 that day?

7 A. Uh-huh.

8 Q. Telling you what happened to Russ?

9 A. Yeah.

10 Q. Okay. And then, later on that day, you got
11 one or two calls from Daly City police; is that right?

12 A. Yes.

13 Q. Okay. And they asked you to come in to talk;
14 is that right?

15 A. Uh-huh.

16 Q. So, I think you received one call from
17 Officer Sabins. Do you remember that?

18 A. Yes.

19 Q. And then another one from Officer Garrett, I
20 think. And then he actually picked you up and took
21 you to the Daly City Police Department that day; is
22 that correct?

23 A. Yes.

24 Q. I think on the way there, too, your mother
25 called you or you called your mother?

1 A. Uh-huh.

2 Q. Because she was concerned about the
3 situation; is that right?

4 A. Yes.

5 Q. Okay. And you -- and so you gave two
6 interviews to -- there's one that day with the Daly
7 City Police Department and then, approximately two
8 years later, some agents from Utah came and
9 interviewed you at your home; is that correct?

10 A. Yes.

11 Q. Okay. And I just wanted to review with you
12 what -- your friendship with Russ and kind of some of
13 the things that were going on. He was a heavy drug
14 user; is that right?

15 A. He was.

16 Q. And I think you told the Daly City Police
17 that he used -- he was a recovering heroin addict; is
18 that right?

19 A. Yeah, he was.

20 Q. But he was using all kinds of drugs and
21 alcohol. And in that -- and he put a lot of pressure
22 on his peers, including you and others, to participate
23 in drug use; is that right?

24 A. Uh-huh.

25 Q. Okay. And you had a knowledge about

1 Fentanyl, correct, before this day, before you came
2 home with -- or went to Gregg and Russ's apartment,
3 you had knowledge of Fentanyl before that; is that
4 right?

5 A. Yes.

6 Q. And had you seen Gregg or Russ use Fentanyl
7 before that time?

8 A. Not before that time, no.

9 Q. Okay. But you had heard about it and you
10 understood the effects of it?

11 A. Yes.

12 Q. Okay. And your testimony was that you --
13 when you came home and you found Russ, he had drank a
14 whole bottle of vodka. Is that your testimony?

15 A. Yes.

16 Q. And that you were concerned, at that point,
17 when you went into his room with him and he was
18 crushing up pills, what he said was Fentanyl. And why
19 were you concerned after observing him drinking
20 alcohol with him crushing up Fentanyl pills?

21 A. Because I know that mixing those two kinds of
22 things can be very deadly.

23 Q. Yeah. Okay. So it's very dangerous. You
24 understood that?

25 A. Uh-huh.

1 Q. You and Gregg both knew that, so you were --
2 did you try to stop him or anything?

3 A. We did, yeah.

4 Q. Okay. And then -- then you saw the effects
5 of it, and you eventually put him in a recovery
6 position; is that right?

7 A. Yeah.

8 Q. Have you had a situation like that before,
9 where you have put either Russ or a friend in that
10 position?

11 A. That was the first time.

12 Q. Okay. But that's something that you knew was
13 something that would be preventative if there were a
14 problem?

15 A. Yeah.

16 Q. And so you were trying to help him out with
17 that. I just want to ask you about Gregg. And I know
18 these are sensitive topics, but Gregg passed away less
19 than a year after Russ; is that right?

20 A. Yes.

21 Q. And you were not present when Gregg passed
22 away; is that right?

23 A. No, I wasn't.

24 Q. Okay. One of your good friends -- I
25 apologize. One of your good friends was there, Nicole

1 and Sean, and it was maybe kind of a similar
2 situation. And I wanted to ask you about your
3 statement when the -- when agents came and met with
4 you in 2018. You stated that, after Russ died, that
5 you and Gregg kind of started to drift apart. Is that
6 right?

7 A. Uh-huh.

8 Q. And why was that?

9 A. Because Gregg continued to use, and I thought
10 it was dumb after, like, what his friend had just gone
11 through.

12 Q. Okay. And you knew it was dangerous, risky
13 behavior. In fact, I think you told agents, too, when
14 you met with them in 2018, that you and Gregg said
15 that you were both concerned for Russ because there
16 was alcohol involved, and you said that the risk was
17 too high?

18 A. Uh-huh.

19 Q. To be involved with taking other drugs in
20 that situation?

21 A. Yeah.

22 Q. And I'm sure your mother is a good influence
23 for you.

24 A. Uh-huh.

25 Q. I know that from her contacting you when you

1 were -- on that day when Russ passed away, and I'm
2 sure she was concerned because she didn't want
3 something like that to happen to you. So I'd just
4 encourage you to keep up the good work and keep up and
5 encourage, you know, your college and things, and
6 there's a lot of potential for you, and I encourage
7 you to keep on that path, so...

8 A. Thank you.

9 MR. SAM: I don't have any other questions.

10 THE COURT: Thank you, Mr. Sam.

11 Any redirect?

12 MR. GADD: No, Your Honor.

13 Thank you very much.

14 THE COURT: You may step down, and you're
15 excused.

16 Let's take our first break, and we'll be in
17 recess until about quarter after 10.

18 THE CLERK: All rise, please.

19

20

21

22

23

24

25 (Whereupon the jury leaves the courtroom.)

REPORTER'S CERTIFICATE

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

I, REBECCA JANKE, do hereby certify that I
am a Certified Court Reporter for the State of Utah;

That as such Reporter I attended the hearing
of the foregoing matter on August 20, 2019, and
thereat reported in Stenotype all of the testimony and
proceedings had, and caused said notes to be
transcribed into typewriting, and the foregoing pages
numbered 1 through 19 constitute a full, true and
correct record of the proceedings transcribed.

That I am not of kin to any of the parties
and have no interest in the outcome of the matter;

And hereby set my hand and seal this 23rd
day of August, 2019.

REBECCA JANKE, CSR, RPR, RMR